

AN ORDINANCE **97311**

AUTHORIZING THE EXECUTION OF A SHORT TERM LEASE AGREEMENT WITH NICK'S ENTERPRISE, INC. D/B/A N & D SPORTS COMPANY, AS TENANT, AT A RENT OF \$2,000.00, PLUS A \$1,000.00 REFUNDABLE SECURITY DEPOSIT, FOR THE PERIOD FROM MARCH 25, 2003 THROUGH MARCH 31, 2003 TO USE APPROXIMATELY 600 SQUARE FEET OF GROSS LEASABLE FLOOR AREA DESCRIBED AS SUITE 103A, 600 E. MARKET STREET, WITHIN THE HEMISFAIR PARKING GARAGE, LOCATED IN COUNCIL DISTRICT 1, FOR THE NON-EXCLUSIVE RIGHT TO SELL ONLY OFFICIALLY LICENSED MEN'S NATIONAL COLLEGIATE ATHLETIC ASSOCIATION (NCAA) SOUTH REGIONAL FINALS MERCHANDISE, IN ACCORDANCE WITH ALL REQUIRED PERMITS SECURED BY TENANT TO OPERATE IN THE LEASED PREMISES.

WHEREAS, Nick's Enterprises, Inc. d/b/a N & D Sports Company, as Tenant, has requested a Short Term Lease Agreement commencing March 25, 2003, through March 31, 2003, to use approximately 600 square feet of gross leasable floor area described as Suite 103A, 600 E. Market, within the Hemisfair Parking Garage for the non-exclusive right to sell only officially licensed Men's National Collegiate Athletic Association (NCAA) South Regional Finals merchandise; and

WHEREAS, Tenant has agreed to pay a total consideration of \$2,000.00 for rental plus a refundable security deposit of \$1,000.00; and

WHEREAS, Tenant has agreed to comply and obtain all required permits to operate in the "clean zone" designated by City Council; and

WHEREAS, The lease revenue fund from the Hemisfair Parking Garage will assist in maintaining the Parking Fund; **NOW THEREFORE**;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. A Short Term Lease Agreement is hereby authorized and approved between the **City of San Antonio and Nick's Enterprises, Inc. d/b/a N & D Sports Company**, ("Tenant") to use approximately 600 square feet of gross leasable floor area described as Suite 103A, 600 E. Market, within the Hemisfair Parking Garage ("leased premises") for the period from March 25, 2003 through March 31, 2003.

SECTION 2. The City Manager or City Manager's designee is hereby authorized to execute a Short Term Lease Agreement, signed by Tenant, is attached hereto as **Exhibit "A"**.


SECTION 3. Approval of this Short Term Lease Agreement is contingent on (1) the Tenant's agreement to pay \$2,000.00 for rental plus a security deposit of \$1,000.00 which will be refunded within fourteen (14) days after the Tenant vacates the leased premises and (2) the Tenant obtaining, prior to occupancy of the leased premises, all required permits to operate in the "clean zone" designated by City Council.

SECTION 4. The proceeds of the Short Term Lease Agreement shall be deposited into Fund No. 53-004 entitled "Parking Revenue Fund", Index Code No. 064642, entitled "N & D Sports Company-Hemisfair Garage."

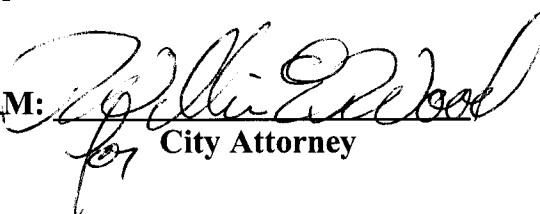
SECTION 5. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 6. This ordinance shall take effect on the tenth day from the date of passage hereof.

PASSED AND APPROVED this 13th day of March, 2003.


M A Y O R
EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney